

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

REAL PROPERTY KNOWN AS 2291 FERNDOWN
LANE, KESWICK VA 22947-9195

Defendant.

CIVIL ACTION NO. 3:10-CV-0037

ORDER

JUDGE NORMAN K. MOON

This matter is before the court upon consideration of claimant Avallo Ltd.'s motion to dismiss pursuant to Rule 12(b)(6) (docket no. 14). For the reasons given in the accompanying memorandum opinion, the motion is GRANTED as to claims one and four of the complaint, and DENIED in all other respects.

If the government intends to file an amended complaint to address the defects identified, it must do so within 14 days of the date of this order.

It is so ORDERED.

The Clerk of the Court is directed to send a certified copy of this order and the accompanying opinion to all counsel of record.

Entered this 14th day of June, 2011.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE